

Notice of Allowability	Application No.	Applicant(s)	
	10/614,910	SCHATY, HARALD	
	Examiner	Art Unit	
	Katherine W. Mitchell	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/28/2005.
2. ☒ The allowed claim(s) is/are 1-14 and 23-28.
3. ☒ The drawings filed on 28 February 2005 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>with this action</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>7 and 8 are same doc.</u> |

Katherine Mitchell Au 3677

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Thomas Krul on May 29-31, 2005 at ext 1275.

The application has been amended as follows:

In the Claims:

3. In claim 1, line 19, "aperture" has been deleted and replaced with --bore-- for consistent antecedent basis.

4. Claim 13 has been amended to delete the newly added line 2 "a bore formable through both the neck and the flange".

5. In claim 23, line 14, "aperture" has been deleted and replaced with --bore-- for consistent antecedent basis.

6. Claims 15-22 have been cancelled.

4. Claims 7 and 8 have been rejoined and allowed as depending on an allowable generic claim and are thus not withdrawn, as was indicated by examiner in the previous office action.

7. **The following is an examiner's statement of reasons for allowance:** The closest prior art of record is now considered Kazino, USP 5294225, Danico, USP 5505324, de Baets USP 5513769, and Assimakopoulos USP 5738476, which teach

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various grommets or insert elements, both with and without flowable plastic material on the underside of a flange. Kazino has a circular bore through the flange and partially extending through the neck, and even has slits in fluid communication with the bore forming triangular wedges, but the triangular shapes is not formed by a recess in combination with the slits and the bore. However, none of the cited art of record teaches or fairly suggests the combination of an insert part having a retainer or catch, and a neck with oppositely positioned first and second recesses each connected to a central circular bore via respective first and second slits defining a substantially triangular shape, in combination with a flange having a depression on its underside and adhesive or a flowable plastic body completely contained in the flange depression and surrounded by a raised circumferential edge. Further, the prior art of record also does not teach or fairly suggest the combination of an insert part having a retainer or catch, with a rectangular shaped neck having oppositely positioned first and second recesses each connected to a central circular bore via respective first and second slits defining a substantially triangular shape, in combination with a flange with a depression on its underside and adhesive or a flowable plastic body is initially completely contained in the flange depression.

Examiner notes that the central bore, in combination with both sets of 1st and second slits meeting with a respective recess to form triangular springing tongues, are disclosed in paragraph [0040] as serving a specific function in securing the insert part and helping to lock the catches.

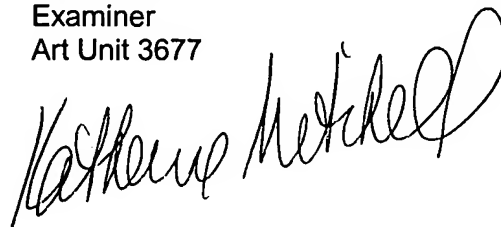
It is noted that the flange is considered to include at least the portion of the neck having the retainer/catch inclusive.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
9. The replacement drawing sheet 3 of 4 and the specification changes have been approved for entry.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Katherine W Mitchell
Examiner
Art Unit 3677



Kwm
5/29/2005

OK Foerster
rev 4
5/27/05

Title: INSERT PART FOR A WALL OPENING, IN PARTICULAR ON A VEHICLE BODY

Inventor: Harald Schätzy

Black & Decker File No. GER8811; Attorney Docket No. 0275M-000754



REPLACEMENT SHEET

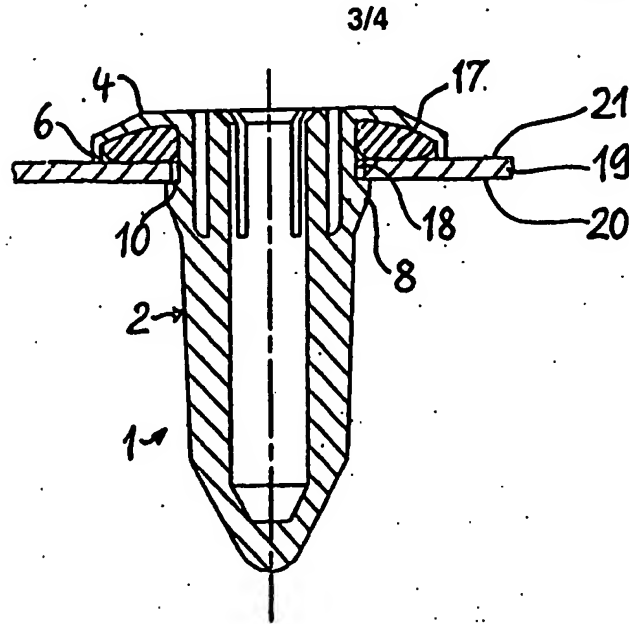


FIG. 8

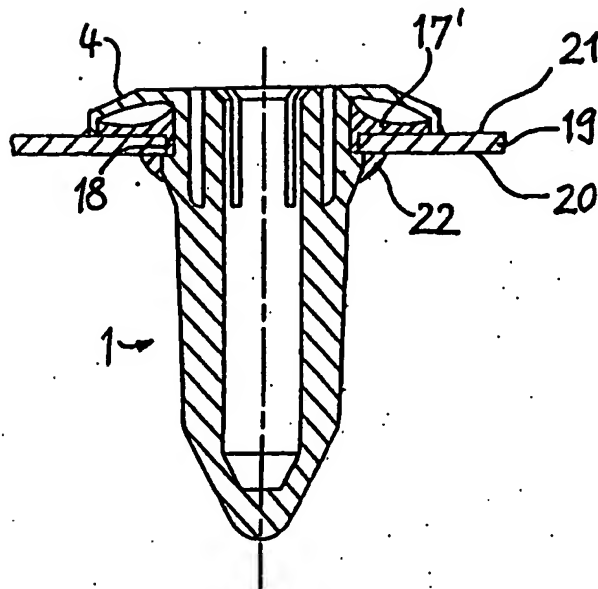


FIG. 9